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## CITY OF DANBURY

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To: City of Danbury Planning Commission  
City of Danbury Zoning Commission

From: Sharon B. Calitro, AICP, Planning Director

*SB*

Date: June 9, 2022

Re: Petition to Amend Sections 2.B., 3.C.4., 5.A.2.b., 5.A.5., 5.B.2.b., 5.B.5., 6.A.2.b., 6.B.2.b., 8.C.4.c., 10.J., 11.B.2., and 11.B.3 of the Zoning Regulations  
Regulation of Cannabis Establishments within the City of Danbury

Staff has submitted a petition to amend Sections 2.B., 3.C.4., 5.A.2.b., 5.A.5., 5.B.2.b., 5.B.5., 6.A.2.b., 6.B.2.b., 8.C.4.c., 10.J., 11.B.2., and 11.B.3 of the Zoning Regulations. A description of the proposed amendments by section is provided below. As a reminder, prior to the moratorium and amendments that added other cannabis establishment uses, the Zoning Regulations allowed, subject to several additional requirements, two medical marijuana dispensaries in either the CG-20 or CA-80 Zoning Districts. The retail sale of recreational marijuana in these facilities was prohibited. Medical marijuana production facilities in Danbury were prohibited.

### Section 2.B. Definitions

As indicated above, the Zoning Regulations contain definitions of cannabis establishments associated with the licenses available from the State of Connecticut Department of Consumer Protection ("DCP"). Minor amendments are proposed to these definitions to clarify that the use is a facility in which there is a person that is licensed to conduct the business referenced. Additionally, language is also proposed to cover a future scenario wherein the State designates another State department or sanctions another State board to issue licenses and/or regulate adult use cannabis other than the DCP.

Language has also been proposed to the cannabis cultivator and micro-cultivator uses to require that all activities associated with these uses occur indoors. Additional language is proposed in the definition of a cannabis micro-cultivator that limits the size of the facility and prohibits the sale of cannabis to consumers at the facility.

### Section 3.C.4. Cannabis Establishments

Existing language in Section 3.C.4. and the section title are proposed to be deleted and replaced. The new Section 3.C.4. entitled "Cannabis Establishments" sets forth the regulations, restrictions, and application process associated with a limited number of cannabis establishments that would be allowed within the City subject to special exception approval. Three of the four uses that would be allowed contain a retail sales component for which the City will collect an additional 6% sales tax. The process for collection and use of funds is governed by State law. The uses subject to the additional sales tax are the retail portion of

cannabis hybrid retailer, the cannabis retailer, and the cannabis micro-cultivator. Cannabis dispensary facilities (facilities that dispense only medical marijuana to qualified patients and caregivers) are not subject to the additional sales tax.

### **Section 5. Commercial Districts**

The amendments to Sections 5.A.2.b., 5.A.5., 5.B.2.b., and 5.B.5. list, in numerical order, the proposed cannabis dispensary facility, cannabis hybrid retailer, and cannabis retailer in the CG-20 or CA-80 Zoning Districts subject to Section 3.C.4., renumber the remaining special exception uses, and delete regulations associated with the former medical marijuana facility regulations.

### **Section 6. Industrial Districts**

The amendments to Sections 6.A.2.b. and 6.B.2.b. list, in numerical order, the proposed micro-cultivator use in the IL-40 or IG-80 Zoning Districts subject to Section 3.C.4., and renumber the remaining special exception uses.

### **Section 8. Supplemental Regulations**

The amendment to Section 8.C.4.c. adds number (15) providing a specific parking requirement for cannabis dispensary facilities, cannabis hybrid retailers, and cannabis retailers in accordance with the Institute of Traffic Engineers Parking Demand publication.

### **Section 10.J. Temporary Moratorium**

The amendment to Section 10.J. deletes the temporary moratorium language and leaves the section blank for future use. Leaving the section blank is consistent with previous actions of the Commission.

### **Section 11. Zoning Board of Appeals**

The proposed amendment to Section 11.B.2. specifically prohibits issuance of a use variance for a cannabis establishment use in any other zone than is allowed pursuant to Section 3.C.4. The amendment to Section 11.B.3. prohibits issuance of a variance to any provision in Section 3.C.4. These prohibitions are within the statutory authority of a Zoning Commission and are rationally related to the protection of public health, welfare, and safety.

In sum, the proposed amendments provide for the establishment of a limited number of specific cannabis establishment uses in Danbury with associated restrictions and regulations that will protect the public health, safety, and welfare. In formulating this petition, Staff considered the applicable sections of June Special Session Public Act 21-1 entitled *Responsible and Equitable Regulation of Adult Use Cannabis*, ordinances and regulations of other towns and cities, guidance from DCP and other state agencies and organizations, technical publications, and has sought legal advice from the Office of the Corporation Counsel.

Thank you for your consideration.

c: Jennifer Emminger, Deputy Planning Director  
Allie Smith, Planning Intern  
Robin Edwards, Assistant Corporation Counsel  
Daniel Casagrande, Cramer & Anderson